IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff(s), : Case No. 3:12-cr-117(1)

- vs -

District Judge Walter Herbert Rice
ROSCOE LITTLE, Magistrate Judge Michael R. Merz

Defendant(s). :

DETENTION ORDER

This case came on for hearing on October 16, 2012, on motion of the United States to determine whether any condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of the Defendant as required in this case and the safety of the community.

Defendant declined to be interviewed by a Pretrial Services Officer.

Defendant has been indicted for an offense under the Controlled Substances Act carrying a maximum penalty in excess of ten years' imprisonment. That fact creates a presumption under the Bail Reform Act that he should be detained without bond. Defendant introduced no evidence to overcome the presumption. Based on the facts recited of record in open court, the Court finds that no condition or combination of conditions will assure his appearance or obedience to the law protecting the safety of others in the community while released.

The term "safety of the community" refers to the community's security from criminal conduct by the Defendant, whether violent or not. *United States v. Redd,* Case No. CR-3-00-92

(S.D. Ohio January 22, 2001), *citing United States v. Ramsey*, 110 F. 3d 65, 1997 WL 135443 (6th Cir. March 24, 1997)(unpublished)(when considering the "safety of the community" in the context of pre-trial release, "the courts look to more than whether the defendant has been guilty of physical violence"); *United States v. Vance*, 851 F. 2d 166, 169 (6th Cir. 1988)(recognizing that community safety concerns focus on not only the safety of particular individuals, but also on the safety of the community as a whole).

The Government's Motion to detain is GRANTED.

Accordingly, it is hereby ORDERED that:

1) the Defendant be committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2) the Defendant be afforded reasonable opportunity for private consultation with counsel; and

3) on order of a court of the United States or on request of an attorney for the United States, the person in charge of the facility in which the Defendant is confined deliver the Defendant to a United States Marshal or his deputy for the purpose of an appearance in connection with a court proceeding.

Defendants who appeal to a district judge from this Order must, at the same time as filing the appeal, order a transcript of the detention hearing from the court reporter.

October 17, 2012.

s/ Michael R. Merz
United States Magistrate Judge